

and cause the same to be published in some newspaper of the county, if there be one.

Sec. 10. That Article 3137 of the Revised Civil Statutes of Texas, 1925, be and the same is hereby amended so as hereafter to read as follows:

Article 3137. On the third Monday after the fourth Saturday in July, 1928, and each two years thereafter the State Executive Committee shall meet at a place selected as its meeting held on the second Monday in June preceding and shall open and canvass the returns of the primary election held on the fourth Saturday in July as to candidates for all State and districts offices, including U. S. Senator and Congressman, by the various county executive committee chairmen and secretaries, and shall prepare a tabulated statement showing the number of first choice and second choice votes received by each such candidate in each county, which statement shall be approved by the State committee and certified by its chairman and secretary.

For any State or district office, including U. S. Senator and Congressman for which there were only two candidates or less named on the official ballot the candidates receiving the largest number of first choice votes shall be declared the nominee.

If such returns show that for any nomination for a State or district office, including U. S. Senator and Congressman for which more than two candidates were named on the official ballot, no candidate has received a majority of all the first choice votes cast for all candidates for such office, such committee shall add together the first choice votes and one-half of the second choice votes received by each candidate for such nomination, as shown by such returns, and in that event any candidate found to have received the largest number of first choice votes and second choice votes added together shall be declared the choice of the majority and the nominee. Such State and district nominees shall thereupon be certified by the chairman of the State Executive Committee to the Secretary of State, who shall certify them to the county clerks of the various counties affected thereby.

Sec. 11. That Articles 3135, 3138

and 3140 of the Revised Civil Statutes of Texas, 1925, be and the same are hereby repealed.

Sec. 12. The fact that this Act provides for a better system and method of selecting candidates in primary elections in this State, and the Act should take effect as soon as possible, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

TWENTY-FOURTH DAY.

Senate Chamber,
Austin, Texas.

Thursday, February 17, 1927.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Love:

S. B. No. 403, A bill to be entitled "An Act providing that where any citation or notice mentioned in Sub-

divisions 1 to 7, inclusive, of Article 2092, of the Revised Civil Statutes, 1925, except citations by publication, is served before the return day thereof, and subsequent to the time provided for service after the date of issuance of the citation, the defendant shall appear and answer at or before ten o'clock a. m. on the Monday next after the expiration of twenty days from the appearance day named in citation to which the defendant has been commanded and summoned to appear and answer plaintiff's petition; enacting a new subdivision of Article 2092 to be numbered 7a containing said provisions, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

S. C. R. No. 20.

Senator Reed sent up the following resolution:

Whereas, the charge has been made that prices of school books are higher than the same books are sold in other states, and

Whereas, it is desirable and just that the people of Texas should get their school books as cheap as any other community does,

Therefore, be it Resolved by the Senate of the State of Texas, the House of Representatives concurring, That the State Superintendent of Public Instruction be instructed to send a letter of inquiry to the executive or head office of each company having contracts to furnish books to the schools of Texas, and request from them the following information concerning the books published by them and under contract with the State of Texas:

1. The lowest wholesale price (transportation NOT prepaid) at which each book now under contract in Texas is sold at any office, branch office, or depository in the United States.

2. State whether or not each book sold under contract in Texas is a "regular" or a "special" edition. If "special" edition (except for the Texas labels), state if the difference in the editions consists in textual matter or in paper, binding, and construction.

3. Give ten or more representative places using an edition similar to the one used in Texas.

(The foregoing does not refer to

special Texas supplements unless the books referred to do not offer similar supplement for use in other states.)

The State Superintendent of Public Instruction shall with his letter send a copy of this resolution and shall request that its receipt be acknowledged by telegram and that it be indicated how soon a reply to the letter may be expected. As soon as convenient after receipt of replies they shall be sent by the State Superintendent to the President of the Senate and to the Speaker of the House.

The resolution was read and adopted.

Simple Resolution No. 60.

Senator Neal sent up the following resolution:

By Senators Bailey, Neal, Holbrook, Hardin, Pollard, McFarlane.

Whereas, Mrs. Percy V. Pennybacker, a distinguished publicist, author and instructor is now or will soon be a visitor in Austin,

Therefore, be it Resolved, That she be, and is cordially invited by the Senate to address the Legislature now in session in the Senate Chamber on the afternoon of such day during its present session as may best suit her convenience.

Resolved Further, That a copy of this invitation be forwarded to Mrs. Pennybacker by the Secretary of the Senate.

The resolution was read and adopted.

S. J. R. No. 13.

The Chair laid before the Senate, as pending business, the following joint resolution:

S. J. R. No. 13, A joint resolution "Proposing an amendment to the Constitution of the State of Texas as follows: Section 3 of Article 7, relating to taxation for free public school purposes and the distribution thereof and providing free textbooks for certain scholastics."

The question recurred upon the engrossment of the resolution

The resolution failed to be engrossed by the following vote:

Yeas—15.

Bailey.	Hall.
Berkeley.	Holbrook.
Bledsoe.	Miller.
Bowers.	Moore.
Fairchild.	Parr.

Russek.
Stuart.
Ward.

Wirtz.
Wood.

Nays—15.

Floyd.
Greer.
Lewis.
Love.
McFarlane.
Neal.
Pollard.
Price.

Real.
Reid.
Smith.
Triplett.
Westbrook.
Witt.
Woodward.

Absent.

Hardin.

There being a tie vote, the Chair voted Nay, and the resolution was lost.

House Bill No. 29.

The Chair laid before the Senate, on third reading, the following bill:

H. B. No. 29, A bill to be entitled "An Act to amend Article 1903 of Chapter 2, Title 40, of the Revised Civil Statutes of 1925, and declaring an emergency."

The bill was read third time and finally passed by the following vote:

Yeas—28.

Bailey.
Berkeley.
Bledsoe.
Bowers.
Fairchild.
Floyd.
Greer.
Hall.
Hardin.
Holbrook.
Lewis.
Love.
McFarlane.
Miller.

Moore.
Neal.
Parr.
Pollard.
Price.
Reid.
Russek.
Stuart.
Triplett.
Ward.
Westbrook.
Wirtz.
Wood.
Woodward.

Absent.

Real.
Smith.

Witt.

House Bill No. 38.

The Chair laid before the Senate, on third reading, the following bill:

H. B. No. 38, A bill to be entitled "An Act to amend Article 3654 of Chapter 26, Title 54, of the Revised Civil Statutes of 1925, and declaring an emergency."

The bill was read third time and finally passed by the following vote:

Yeas—27.

Bailey.
Berkeley.
Bledsoe.
Bowers.
Fairchild.
Floyd.
Greer.
Hall.
Holbrook.
Lewis.
Love.
McFarlane.
Miller.
Moore.

Neal.
Parr.
Pollard.
Price.
Reid.
Russek.
Stuart.
Triplett.
Ward.
Westbrook.
Wirtz.
Wood.
Woodward.

Absent.

Hardin.
Real.

Smith.
Witt.

House Bill No. 41.

The Chair laid before the Senate, on third reading, the following bill:

H. B. No. 41, A bill to be entitled "An Act to amend Article 3990 of Title 64, of the Revised Civil Statutes of 1925, and declaring an emergency."

The bill was read third time and finally passed by the following vote:

Yeas—27.

Bailey.
Berkeley.
Bledsoe.
Bowers.
Fairchild.
Floyd.
Greer.
Hall.
Holbrook.
Lewis.
Love.
McFarlane.
Miller.
Moore.

Neal.
Parr.
Pollard.
Price.
Reid.
Russek.
Stuart.
Triplett.
Ward.
Westbrook.
Wirtz.
Wood.
Woodward.

Absent.

Hardin.
Real.

Smith.
Witt.

House Bill No. 47.

The Chair laid before the Senate, on third reading, the following bill:

H. B. No. 47, A bill to be entitled "An Act to amend Article 6424 of Chapter 9, Title 112, of the Revised Civil Statutes of 1925, and declaring an emergency."

The bill was read third time and finally passed by the following vote:

Yeas—26.

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Pollard.
Fairchild.	Price.
Floyd.	Reid.
Greer.	Russek.
Hall.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Wood.
Moore.	Woodward.

Nays—1.

Bowers.

Absent.

Hardin.	Smith.
Real.	Witt.

House Bill No. 231.

The Chair laid before the Senate, on third reading, the following bill:

H. B. No. 231, A bill to be entitled "An Act to authorize the judge of any district court, or other court having jurisdiction, to appoint a receiver or receivers for any defunct or disorganized church or congregation and authorize the management, sale or the disposition of any and all properties, real, personal or mixed, and choses in action; and authorizing such court in such cases where such church or congregation may not in the judgment of such court be reorganized within a reasonable time, to deliver such property or its proceeds to a church or congregation, a religious or governing body or other ecclesiastical head, or a State missionary society, of like faith and order, to be used or expended for the use of a church, churches, denomination or communion of like faith and order, and declaring an emergency."

The bill was read third time and finally passed by the following vote:

Yeas—28.

Bailey.	Lewis.
Berkeley.	Love.
Bledsoe.	McFarlane.
Bowers.	Miller.
Fairchild.	Moore.
Floyd.	Neal.
Greer.	Parr.
Hall.	Pollard.
Holbrook.	Price.

Real.	Ward.
Reid.	Westbrook.
Russek.	Wirtz.
Stuart.	Wood.
Triplett.	Woodward.

Absent.

Hardin.	Witt.
Smith.	

House Bill No. 71.

The Chair laid before the Senate, on third reading, the following bill:

H. B. No. 71, A bill to be entitled "An Act to amend Chapter 172 of the General Laws of the Regular Session of the Thirty-ninth Legislature, Section 5, page 388 relating to the preservation and propagation of all wild animals, wild birds and wild fowls of this State, and amending Chapter 6 of the Revised Criminal Statutes, Article 878, page 197, relating to division into zones for the time limits as to hunting game, making provisions for a change in boundary from Longview to Loraine on the Louisiana State Line instead of from Longview to Texarkana, and declaring an emergency."

The bill was read third time and was laid on the table subject to call.

House Bill No. 128.

The Chair laid before the Senate, on third reading, the following bill:

H. B. No. 128, A bill to be entitled "An Act to provide for the examination, testing and reading of electric light, power, natural and artificial gas meters used by private concerns to determine the amount of power or gas used by their consumers, on complaint made by any of said consumers, in incorporated cities, towns or villages within this State; said examination, testing and reading to be made by the agents of the city council or city commissioners in said cities, towns or villages on complaint being made as aforesaid to them by said consumers; and further providing for the making of reports to such complaining consumers as to result of said tests, reading and examination; providing a penalty for refusal to comply with any of the provisions of this Act, and declaring an emergency."

The bill was read third time and finally passed.

House Bill No. 334.

The Chair laid before the Senate, on third reading, the following bill.

H. B. No. 334, A bill to be entitled "An Act changing the date for the meeting of the district court for the 29th Judicial District of Texas, and declaring an emergency."

The bill was read third time and finally passed by the following vote:

Yeas—30.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Wood.
Neal.	Woodward.

Absent.

Hardin.

House Bill No. 140.

Senator Woodward called from the table the following bill:

H. B. No. 140, A bill to be entitled "An Act to permit applicants for writs of habeas corpus in all criminal cases where the maximum penalty for such offense does not exceed the punishment of confinement in the State penitentiary for more than ten years, when the relief prayed for by such applicant is denied by the judge or the court that applicant's petition is filed in a court of competent jurisdiction, and an appeal is taken from such judgment or order of the trial court to the Court of Criminal Appeals to the State of Texas, such applicant may execute a good and sufficient bond to be approved by the court or judge as now provided under the provisions of Title 10, of the Code of Criminal Procedure of the State of Texas, 1925, and declaring an emergency."

Senator Woodward sent up the following amendment to the committee amendment:

Amendment No. 1, to H. B. No. 140.

By Senator Woodward:

Resolved that the report of the Committee on Criminal Jurisprudence

on H. B. No. 140, be amended by striking out all of said report following the words "State of Texas" on line 14 and insert therein the following: "Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do not pass, but that committee substitute for H. B. No. 140 entitled 'An Act providing for bail in habeas corpus cases where the defendant is remanded to custody of an officer and the case is appealed,' be substituted therefor and it do pass."

The amendment was read and adopted.

The bill was read second time and passed to third reading.

On motion of Senator Fairchild, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 140 was put on its third reading and final passage, by the following vote:

Yeas—28.

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Fairchild.	Real.
Floyd.	Reid.
Greer.	Russek.
Hall.	Smith.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Wood.
Moore.	Woodward.

Absent.

Miller. Witt.
Stuart.

The bill was read third time and passed finally, by the following vote:

Yeas—28.

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Pollard.
Fairchild.	Price.
Floyd.	Real.
Greer.	Reid.
Hall.	Russek.
Hardin.	Smith.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Wood.
Moore.	Woodward.

Absent.

Bowers.
Stuart.

Witt.

S. J. R. No. 24.

Senator Bailey called from the table the following joint resolution:

S. J. R. No. 24, A joint resolution "Proposing an amendment to the Constitution of the State of Texas providing for a Supreme Court consisting of a chief justice and eight associate justices, one Court of Criminal Appeals consisting of a presiding judge and four associate judges, courts of Civil Appeals, district courts and such other courts as may be provided by law, and altering the provisions of Article V of the State Constitution in other respects so as to more adequately provide for a judicial department and system of the State Government."

Senator Bailey sent up the following amendment to the pending amendment (Pending amendment printed on page 360):

By Senator Bailey:

Amend the pending amendment by striking out the words in Section 1 as follows: "Of which a majority shall constitute a quorum and a concurrence of at least five members shall be necessary to make a decision of the court."

The amendment was adopted.

The pending amendments as amended were adopted.

The resolution was ordered engrossed.

Senate Bill No. 9.

The Chair laid before the Senate, on third reading, the following bill:

S. B. No. 9, A bill to be entitled "An Act repealing Chapter 184 of the General Laws of the State of Texas, passed by the Thirty-ninth Legislature, being Senate Bill No. 252, entitled 'An Act granting to every person against whom any judgment of conviction has heretofore been rendered by the Senate of the State of Texas in any impeachment proceeding, a full and unconditional release of any and all acts and offenses of which any such person was so convicted under and by virtue of any such judgment, and to cancel and remit any and all punishment fixed or assessed by any such judgment of said Senate, including that of disqualification to hold any office

of honor, trust or profit under the Senate of Texas.'"

Senate Bill No. 162.

Senator Fairchild moved to suspend the regular order of business and take up S. B. No. 162.

The motion, requiring two-thirds vote, was lost by the following vote:

Yeas—12.

Bowers.	Pollard.
Fairchild.	Real.
Hardin.	Russek.
Holbrook.	Triplett.
Miller.	Ward.
Parr.	Wirtz.

Nays—15.

Bledsoe.	Neal.
Floyd.	Price.
Greer.	Reid.
Hall.	Smith.
Lewis.	Westbrook.
Love.	Wood.
McFarlane.	Woodward.
Moore.	

Absent.

Bailey.	Stuart.
Berkeley.	Witt.

Recess.

On motion of Senator Fairchild, the Senate, at 12 o'clock, recessed until 2:30 p. m.

After Recess.

The Senate was called to order at 2:30 p. m., by Lieutenant Governor Barry Miller.

The question recurred upon the passage of S. B. No. 9.

Messages From the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, Feb. 17, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. J. R. No. 16, Proposing an amendment to the Constitution of the State of Texas, providing for the election by the qualified voters of the State of Texas of a Secretary of

State, and prescribing the duties of the Secretary of State, and providing for a salary for the Secretary of State.

S. B. No. 22, A bill to be entitled "An Act to amend Article 3742 of the Revised Civil Statutes of 1925, and providing for the perpetuation of testimony, so as to include as a part of said Article 3742 applications or anticipated applications or petitions for the probate of wills, within the meaning of the word suit as used in said article, and to provide the mode and manner of service or notice on the application or statement of the party desiring to perpetuate testimony for use in an anticipated application or petition for the probate of a will, and declaring an emergency."

S. B. No. 78, A bill to be entitled "An Act fixing in counties having a population of one hundred and fifty thousand inhabitants, the compensation of district attorneys and providing for the appointment of assistant district attorneys, investigators, stenographers, grand jury bailiffs, deputies and other employees, and providing for their salaries and the manner of their payment, and providing for the duties and authority of investigators, and providing for the purchase, operation and maintenance of automobiles, and repealing all laws in conflict herewith with exceptions, and declaring an emergency."

Respectfully submitted,

M. LOUISE SNOW,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Feb. 17, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 323, A bill to be entitled "An Act to be known as the Texas Defense Act, providing for the creation, organization, maintenance, government, operation, authority, province, functions, and duties of the Military Establishment of the State of Texas, its officers and personnel, including the Texas National Guard and the Texas Militia; adopting the provisions of the National Defense Act enacted by the Congress of the United States and National Guard Regulations prescribed by the War Department of the United States; prescribing the duties of the officers

of the Military Establishment of the State of Texas; and the rights, powers and duties of the Governor in relation thereto; and repealing all of Title 94, Chapters 1, 2, 3 and 4, Revised Statutes of 1925, and all other laws or part of laws in conflict with this Act, and declaring an emergency."

Respectfully submitted,

M. LOUISE SNOW,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Feb. 17, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 59, A bill to be entitled "An Act providing for the defining of a policy managing and operating the State Prison System and for the appointment of a board of directors, composed of nine persons, to be appointed by the Governor with six-year terms; defining the duties of said board of directors; providing for the appointment of a general manager of the prison system; defining the duties and providing for the compensation of such general manager; providing that under unforeseen, calamitous conditions, such as failure of crops, etc., prisoners may be worked on public works, etc., and declaring an emergency."

Respectfully submitted,

M. LOUISE SNOW,

Chief Clerk, House of Representatives.

House Bills Read and Referred.

The following bills were laid before the Senate, by the Chair, and read and referred:

House Joint Resolution No. 16, referred to Committee on Constitutional Amendments.

House Bill No. 323 referred to Committee on Military Affairs.

House Bill No. 59 referred to Committee on Penitentiaries.

Bills Signed.

After their captions had been read, the Chair signed, in the presence of the Senate, the following bills:

S. B. No. 78.

S. B. No. 22.

Senate Bill No. 9.

Senate Bill No. 9 was pending business.

The bill was read third time.

At Ease.

On motion of Senator Woodward, the Senate, at 4:20 p. m., stood at ease for 15 minutes.

Call to Order.

At 4:35 p. m., the Chair called the Senate to order.

Senate Bill No. 299.

On motion of Senator Bailey, S. B. No. 299 was withdrawn from the Committee on Civil Jurisprudence and referred to the Committee on State Affairs.

Senate Bill No. 9.

Senator Wood raised the point of order that to move the previous question was in order while a Senator had the floor. The Chair (Lieutenant Governor Barry Miller) upheld the point of order.

Senator Wood moved the previous question. The motion was seconded.

The Chair announced that the previous question was ordered and would be put at the conclusion of Senator Bowers' speech.

The motion to put the previous question was adopted. Senator Fairchild moved to reconsider the motion to put the previous question. Senator Love raised the point of order that the motion of Senator Fairchild was not in order. The Chair (Senator Neal) overruled the point of order.

The Chair put the motion by Senator Fairchild. Senator Fairchild asked to speak to a point of order.

Senator Wood raised the point of order that a motion to put the previous question was not debatable. The Chair (Senator Neal) upheld the point of order.

The motion of Senator Fairchild was lost by the following vote:

Yeas—8.

Bowers.	Pollard.
Fairchild.	Russek.
Miller.	Ward.
Parr.	Wirtz.

Nays—20.

Berkeley.	Hardin.
Bledsoe.	Lewis.
Floyd.	Love.
Greer.	McFarlane.
Hall.	Moore.

Neal.
Price.
Real.
Reid.
Smith.

Stuart.
Triplett.
Westbrook.
Witt.
Wood.

Present—Not Voting

Bailey.

Woodward.

Absent.

Holbrook.

Motion to Adjourn.

The motion by Senator Fairchild that the Senate adjourn until 10:00 o'clock a. m., Friday, was lost by the following vote:

Yeas—8.

Bailey.	Parr.
Bowers.	Russek.
Fairchild.	Ward.
Miller.	Wirtz.

Nays—22.

Berkeley.	Pollard.
Bledsoe.	Price.
Floyd.	Real.
Greer.	Reid.
Hall.	Smith.
Hardin.	Stuart.
Lewis.	Triplett.
Love.	Westbrook.
McFarlane.	Witt.
Moore.	Wood.
Neal.	Woodward.

Absent.

Holbrook.

Senate Bill No. 9.

S. B. No. 9 was passed finally by the following vote:

Yeas—19.

Floyd.	Price.
Greer.	Real.
Hall.	Reid.
Hardin.	Smith.
Lewis.	Stuart.
Love.	Triplett.
McFarlane.	Westbrook.
Moore.	Witt.
Neal.	Wood.
Pollard.	

Nays—7.

Bowers.	Russek.
Fairchild.	Ward.
Miller.	Wirtz.
Parr.	

Present—Not Voting

Bailey. Woodward.
Berkeley.

(Pairs Recorded.)

Senator Bledsoe (present), who would vote yea with Senator Holbrook (absent), who would vote nay.

Reasons for Vote.

Senator Woodward sent up the following reasons for not voting:
Mr. President and Members of the Senate:

Two years ago the Legislature of Texas passed the Amnesty Bill, attempting to grant to James E. Ferguson the relief sought by himself and his wife, the Governor. Today and after the storms of two years have passed, we are called upon to repeal that Act.

It will be recalled that I, as a members of the Senate at that time, became active in support of the passage of the bill; that at that time I stated on the floor of the Senate that I was not then, nor had I ever been, a political supporter of Jas. E. Ferguson; that I had always opposed him politically; that I had supported the Hon. Lynch Davidson in the primaries of that year, but as between Mrs. Ferguson and Mr. Robertson, I had supported the candidacy of Mrs. Ferguson; that I again supported her in the general election as against the Republican candidate. It will be recalled that I publicly stated at that time that I was under no obligations to the Ferguson administration; that neither Jas. E. Ferguson nor his wife, the Governor, were under any obligations to me, but that I felt it my duty, in obedience to what I believed to be the wish and will of a majority of those whom I represented, to support the Amnesty Bill. It will be recalled that I then stated—and which I now repeat—that in the first primary election of 1924, Mrs. Ferguson carried by a plurality vote, every county of the 16 counties in my Senatorial District. That in the second primary she carried every county with the possible exception of one, and in the general election she carried them by an overwhelming vote; that the Amnesty Bill was an issue in her campaign and in view of the vote she received in my district and over the State, I

regarded it as an instruction to me to support the bill.

In addition to the above, it was then my candid belief that in view of the goodness of the people of Texas to Mrs. Ferguson and by the vote she received, I believed that the people of Texas were willing to forget the unhappy past, forget the trials and tribulations through which we had gone and forget the charges theretofore preferred against Jas. E. Ferguson; that the people of Texas were willing to forgive and forget the misdeeds or misconduct of the former Governor and with faces turned toward a better day, we would all put our shoulders to the wheels of government and help Mrs. Ferguson give to Texas an administration of which we, as Texans, would be proud. At that time I believed that Jas. E. Ferguson, capable as he was, would appreciate the gracious act of the voters in electing his wife and that he would assist her in making Texas a great and wonderful governor.

In the foregoing I was mistaken and I have been disappointed. Subsequent events have proven to me that the former Governor did not appreciate the gracious act of the people, nor the christian function exercised by the Legislature. I have been convinced that his friends and supporters, many of them, especially in my section of the State, have not appreciated the efforts we put forth to help, aid and assist him.

Notwithstanding my activity in his behalf and notwithstanding my sincerity and my honesty of purpose, his friends in my home county, upon learning that I would not support Mrs. Ferguson for re-election passed the word down the line to vote against me and they did. They even sought an opponent, but in this they failed. I believe they did not appreciate anything done by me, nor by the people of Texas. His friends in my county, many of them, denied me the right to vote my convictions and regardless of my former activity to help Mr. Ferguson, they knifed me to the hilt.

Under the foregoing, I cannot vote against the present bill which seeks to repeal our former Act. The present bill seeking to repeal the former Act declares that our Act was unconstitutional. I therefore cannot vote for the bill for it contains a

declaration contrary to my views on the law. I see no real necessity for its repeal. I see no good to result. If the bill was ever effective, its repeal would avail nothing. If the bill was ineffective, then it can never become effective and its repeal would serve no purpose. I believe the present bill is ill-advised, although I believe the Fergusons and many of their friends have not appreciated what has been done for them in the past. Personally, I feel that the friends and supporters of the Fergusons in my section, not only mistreated me, but they have ignored and forgotten the honest efforts of the people of Texas to befriend Jas. E. Ferguson. I therefore ask that I be marked present—not voting.

WOODWARD.

Reasons for Vote.

Senator Bowers sent up the following reasons for voting Nay:

State Senator Love of Dallas County has announced that he will press for repeal of the Ferguson amnesty law at this session of the Legislature. He has prepared a bill for that purpose, and discussion of it on the floor of the Senate this week is expected to bring the first rift in the peaceful atmosphere thus far surrounding the session of the Fortieth Legislature. The gentleman from Dallas County will be doing the State a service by withdrawing his bill and filing it away in his personal museum. The Fortieth Legislature has something better to do than raking over the dead ashes of the Ferguson controversy; this irrespective of the fact that the Senators and Representatives who owe no allegiance to Jim Ferguson and have no sympathy with Fergusonism greatly outnumber those who do. It is probable that many members who are opposed to Ferguson politically would object to taking from him this doubtful fruit of his victory two years ago.

The very doubtfulness of the victory furnishes Mr. Love with an excuse for insisting that the evidence of it be purged from the statute books. He contends that the amnesty law is unconstitutional, void, and of no effect; and so great is his veneration for the constitution he conceives that document to be somehow dishonored by the presence on the statute books of a law in contravention of it. Despite his con-

temptuous opinion of the law's validity, however, he is in such haste to be rid of it that he has attached an emergency clause to his repeal bill.

Repeal of the amnesty law would serve no purpose constructive enough to compensate for the controversy its consideration is likely to arouse. The only practical effect of the law is to make James E. Ferguson eligible to seek and hold public office in Texas. No man can say with certainty that Ferguson plans further political sorties in his own name; if he does, the constitutionality of the amnesty law is certain to be passed upon by the courts. Mr. Ferguson's name has been mentioned in connection with the United States Senatorship, but the lack of official forgiveness once before failed to deter him from aspiring to that office, and assuredly it would not deter him again. Should he be elected—a contingency not to be anticipated at this time—the question of whether the disability of impeachment by the State Senate debars a citizen from the Federal Legislature would, without much doubt, be submitted to judicial determination.

In the absence of positive benefit to the State by repealing the amnesty law; it must be concluded that the time the Fortieth Legislature is too valuable to be employed in pursuing the empty ends of political vengeance. (Galveston News, January 18, 1927.)

It forces Moody into another controversy with Ferguson upon an issue that should be history. I am against reviving hate feuds.

Reasons for Vote.

Senator Miller sent up the following reason for his vote:

If the law known as the "Amnesty Act," which this bill seeks to repeal, is unconstitutional it is, of course, void; and its repeal is unnecessary. If constitutional, the effect of the Act has been to restore the citizenship of all persons affected thereby, as fully as an unconditional and absolute pardon would restore the citizenship of a person convicted of a felony; and such rights of citizenship can not be taken away by subsequent legislative enactment.

Therefore it is only a waste of the Senate's time in considering something that does not effect the status or rights of any persons affected

thereby, and serves only to fan the flames of a partisan personal issue that should no longer exist in Texas.

MILLER.

Adjournment.

On motion of Senator Fairchild, the Senate, at 6:20 p. m., adjourned, until Friday at 10 a. m.

APPENDIX.

Petitions and Memorials.

American Federation of Labor
Washington, D. C., Feb. 8, 1927.
To All Members of the Texas Legislature.

Dear Sirs: According to our records the Texas Legislature rejected the proposed child labor amendment to the Constitution of the United States.

This is an issue of the greatest importance to the people of our country. The alarming increase in the number of children employed since the last federal child labor law was declared unconstitutional is causing grave concern. Many states have grown lax in the enforcement of their child labor laws since the opinion of the supreme court was handed down.

In the name of the more than 4,000,000 members of the American Federation of Labor I am appealing to you individually and collectively to rescind your action and then vote to ratify the proposed child labor amendment at this session of the legislature.

Enclosed you will find two pamphlets which outline the reasons why the amendment should be ratified.

Yours respectfully,

Wm. GREEN, President,
American Federation of Labor.

TELEGRAM.

Clyde, Texas, Feb. 16, 1927.
Senator Jesse R. Smith,
Senate Chamber, Austin, Texas.

Our immediate section has needed for years a State experiment station which will result in immense good to the agricultural interests of this section. There is an empire of country here without any experiment station. If you will use your influence in favor of this boon to our agricultural interests throughout this part of Texas you will never have cause to regret it.

C. A. Bowman, M. H. Perkins, W. Homer Shanks, Clyde Chamber of Commerce.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, Feb. 17, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. J. R. No. 24 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 17, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 168 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 17, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 20 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, Feb. 17, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 236, A bill to be entitled "An Act prescribing the rule of law as to the effect and legal import as affecting creditors, and others of filing chattel mortgages or transfer of same, or true copies thereof in the office of the county clerk, as provided by law, properly defining the word "creditors" as used in this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,
Austin, Texas, Feb. 17, 1927.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on
Civil Jurisprudence, to whom was re-
ferred

S. B. No. 269, A bill to be entitled
"An Act to amend Article 4619, of
the Revised Civil Statutes of the
State of Texas, 1925, relating to
community property, and the dispo-
sition thereof, so as to provide for
the control, management and dispo-
sition of community property by the
wife, when the husband has disap-
peared and his whereabouts is un-
known to the wife for more than six
months, and validating conveyances
and other transactions of the wife
concerning community property hereto-
fore made under such circum-
stances and providing the method
and procedure for making proof of
the existence of the facts necessary
to give her such right of control,
management and disposition, and
declaring an emergency."

Have had the same under con-
sideration, and I am instructed to
report the same back to the Senate
with the recommendation that it do
pass.

BAILEY, Chairman.

Committee Room,
Austin, Texas, Feb. 17, 1927.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on
Civil Jurisprudence, to whom was re-
ferred

S. B. No. 325, A bill to be entitled
"An Act amending Article 4604 of
the Revised Civil Statutes, 1925, re-
lating to marriage licenses; requir-
ing the county clerk to deliver in
person or by mailing the marriage
license to the husband after the same
is recorded; requiring the address of
the husband to be stated in procur-
ing a marriage license so that the
original marriage license may be
mailed to him by the county clerk,
and declaring an emergency."

Have had the same under con-
sideration, and I am instructed to
report the same back to the Senate
with the recommendation that it do
pass.

BAILEY, Chairman.

Committee Room,
Austin, Texas, Feb. 17, 1927.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on
Civil Jurisprudence, to whom was re-
ferred

S. B. No. 390, A bill to be entitled
"An Act to amend Article 7596,
Chapter 1, Title 128, Revised Civil
Statutes of Texas, adopted at the
Regular Session of the Thirty-ninth
Legislature, to authorize conserva-
tion and reclamation districts co-op-
erating under contract with the
United States to waive the prefer-
ence lien given them by statute, and
declaring an emergency."

Have had the same under con-
sideration, and I am instructed to
report the same back to the Senate
with the recommendation that it do
pass.

BAILEY, Chairman.

Committee Room,
Austin, Texas, Feb. 17, 1927.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on
Civil Jurisprudence, to whom was re-
ferred

S. B. No. 391, A bill to be entitled
"An Act to amend Article 7752,
Chapter 2, Title 128, of the Revised
Civil Statutes of the State of Texas,
adopted at the Regular Session of
the Thirty-ninth Legislature, to au-
thorize conservation and reclamation
districts obtaining a water supply
under contract with the United
States, to waive the statutory lien
given them, and declaring an emer-
gency."

Have had the same under con-
sideration, and I am instructed to
report the same back to the Senate
with the recommendation that it do
pass.

BAILEY, Chairman.

Committee Room,
Austin, Texas, Feb. 17, 1927.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on
Civil Jurisprudence, to whom was re-
ferred

H. B. No. 118, A bill to be entitled
"An Act to amend Articles 5431 and
5432 of Title 88 of the Revised Civil
Statutes of the State of Texas of
1925, relating to damages by libel,
mitigation of damages caused by
libel, and the defenses in causes of

action for libel; and defining privileged matters."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass, but that the accompanying Senate Committee Substitute Bill do pass in lieu thereof, and be not printed, as S. B. No. 143, being the same bill, has been printed.

BAILEY, Chairman.

Committee Room,

Austin, Texas, Feb. 17, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 378, A bill to be entitled "An Act amending Article 6640 of the Revised Civil Statutes of 1925, requiring lis pendens notices to be filed upon the filing of any suit or action involving the title to real estate or seeking to establish any interest or right therein or to enforce any lien, charge, or encumbrance against the same; providing that failure to comply with the requirements of Article 6640 as amended shall be ground for dismissal of any suit affected by said article; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, with the following committee amendment:

Amend S. B. No. 378 by striking out in Article 6640 the words "Failure to comply with this article shall be ground for dismissal of any such suit" and amend the caption of the bill by striking out "providing that failure to comply with the requirements of Article 6640 as amended shall be ground for dismissal of any suit affected by said article."

BAILEY, Chairman.

Committee Room,

Austin, Texas, Feb. 17, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 382, A bill to be entitled "An Act amending Article 3386 of the Revised Civil Statutes of 1925,

authorizing the payment of the costs of bonds of executors and administrators mentioned in said article out of the estate being administered; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, with the following committee amendment:

Amend the bill by adding to Section 1 the words "provided the commissions due to such executors and administrators are less than the premiums necessarily paid for such surety bonds.

BAILEY, Chairman.

Committee Room,

Austin, Texas, Feb. 17, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Labor, to whom was referred

S. B. No. 379, A bill to be entitled "An Act relating to workmen's compensation; amending Section 5a of Article 8307 of the Revised Civil Statutes of 1925 so as to provide for penalties and attorney's fees where there is delay in paying of awards mentioned in said article after appeal or suit brought upon same and in which there is a final decision in favor of the claimant; amending Section 12a of Article 8306 so as to allow certain compensation during the time an employe is incapacitated on account of sickness or incapacity brought about by exposure or unhealthful surroundings in his place of employment and during such employment; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, Feb. 16, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

S. B. No. 273, A bill to be entitled "An Act to prescribe who may be licensed as agent of any insurance company or association or other insurance carrier, engaged in the busi-

ness in Texas of insurance of any kind other than life; authorizing the Commissioner of Insurance to issue licenses to persons entitled thereto, with power to cancel licenses unlawfully obtained or for violation of the insurance laws of the State, or failure to properly account for monies; forbidding agents licensed to grant or permit a greater amount of insurance than the value of the property; forbidding discrimination and forbidding rebating; authorizing the Commissioner to make or have made examinations and to call for facts under oath, giving to the aggrieved a resort to the courts; repealing laws in conflict and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, with committee amendments.

MOORE of Hunt, Chairman.

Committee Amendment No. 1 to S. B. No. 273.

Amend Senate Bill No. 273, Section 8, by adding after the word "insurance" in line 3 of said section, the words "against fire."

Committee Amendment No. 2 to S. B. No. 273.

Amend Senate Bill No. 273, Section 9 by adding after the word "discrimination" the following: "As the same is defined by Article 4894, Revised Statutes, 1925" and by adding after the word "rebate" the following: "As the same is defined by Article 4894, Revised Civil Statutes, 1925."

Committee Room,

Austin, Texas, Feb. 17, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 7, A bill to be entitled "An Act to amend Article 1855 of the Revised Civil Statutes, 1925, so as to require Courts of Civil Appeals to certify to the Supreme Court any question of law involved in a decision of the Court of Civil Appeals in any case which conflicts with an opinion rendered by the Supreme Court or by some other Court of Civil Appeals of this State, and any question of law involved in any

case before the Court of Civil Appeals of which the Court has final jurisdiction, which is important to the jurisprudence of the State and which has not been previously decided by the Supreme Court, and to authorize the Supreme Court to issue writs of mandamus to compel the certification of such question; and to repeal Subdivision 6 of Article 1728, Revised Statutes, 1925, giving the Supreme Court jurisdiction of such questions by writ of error; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass, but that the Senate Committee Substitute Bill accompanying this report, do pass in lieu thereof.

BAILEY, Chairman.

C. S. S. B. No. 7.

A BILL

To Be Entitled

An Act to amend Article 1728 of Chapter 3 of Title 37 of the Revised Civil Statutes of Texas of 1925, relating to and better defining and fixing the appellate jurisdiction of the Supreme Court of Texas, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas.

Section 1. That Article 1728 of Chapter 3 of Title 37 of the Revised Civil Statutes of Texas, be, and the same is hereby amended so as to read as follows:

Art. 1728. Appellate Jurisdiction. The Supreme Court shall have appellate jurisdiction co-extensive with the limits of the State, extending to all questions of law arising in the following cases when same have been brought to the Courts of Civil Appeals from final judgment of trial courts:

1. Those in which the judges of the Courts of Civil Appeals may disagree upon any question of law material to the decision.

2. Those in which one of the Courts of Civil Appeals holds differently from a prior decision of its own, or of another Court of Civil Appeals, or of the Supreme Court upon any such question of law.

3. Those involving the construction or validity of statutes necessary

to a determination of the case.

4. Those involving the revenues of the State.

5. Those in which the Railroad Commission is a party.

6. In any other case in which it is made to appear that an error of substantive law has been committed by the Court of Civil Appeals which affects the judgment, but excluding those cases in which the jurisdiction of the Court of Civil Appeals is made final by statute.

In all cases where the judgment of the Court of Civil Appeals is a correct one and where the principles of law declared in the opinion of the court are correctly determined, the Supreme Court shall refuse the application; in all cases where the judgment of the Court of Civil Appeals is a correct one but the Supreme Court is not satisfied that the opinion of the Court of Civil Appeals in all respects has correctly declared the law, it shall dismiss the case for want of jurisdiction.

Provided further that in cases of conflict named in Subdivision 2 above, the Supreme Court may, in its discretion, refuse the writ of error where the court is in agreement with the decision of the Court of Civil Appeals in the case in which the application is filed; and in cases of such conflict with a previous opinion of the Supreme Court, the Supreme Court may, in its discretion, without the necessity of granting the writ and hearing the case, reverse and remand the same on the application for writ of error.

Sec. 2. The fact that the language of the present statute relating to the appellate jurisdiction of the Supreme Court of this State is, in many respects, vague and indefinite, rendering it frequently uncertain as to what constitutes the appellate jurisdiction of the Supreme Court of Texas, the importance of having the present statute upon this subject amended so as to better define what such jurisdiction is, the approaching close of the present session of the Legislature and the crowded condition of the calendars of both Houses, creates an emergency and an imperative public necessity which requires that the constitutional rule requiring bills to be read on three several days in each House be suspended, and that this Act take

effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, Feb. 17, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred

S. B. No. 380, A bill to be entitled "An Act amending Article 416 of the Revised Civil Statutes of 1925 relating to savings banks; authorizing the investment of the savings deposits of such banks in additional classes of securities; enacting provisions better regulating such investments; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

RUSSEK, Chairman.

TWENTY-FIFTH DAY.

Senate Chamber,

Austin, Texas,

Friday, February 18, 1927.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Wood.

Petitions and Memorials.

(See Appendix.)